

House Transportation Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 259*

House Bill No. 713

by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-217(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Notwithstanding subdivision (b)(1), if the aviation fuel is used in the operation of commercial passenger aircraft, the tax imposed and remitted on a person's purchase, use, consumption, or storage of aviation fuel pursuant to subsection (a) shall not exceed three million dollars (\$3,000,000).

(3) For purposes of this subsection (b), "tax year" means a period beginning on July 1 and ending on the following June 30. The commissioner shall establish a process for applying the cap provided by subdivisions (b)(1) and (2).



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Amendment No. _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 151*

House Bill No. 381

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-108, is amended by designating subsection (c) as subsection (d) and adding the following new subsection (c):

For purposes of an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the certificate of registration is at all times carried in or available electronically through, the vehicle to which it refers.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by deleting subdivisions (17), (42), and (46), and substituting instead the following:

(17) "Driver" means:

(A) For purposes of a conventionally operated vehicle, every person who drives or is in actual physical control of a vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(42) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;



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(46) "Person" means a natural person, firm, copartnership, association, corporation, or an engaged ADS;

SECTION 3. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following new appropriately designated subdivisions:

() "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

() "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

SECTION 4. Tennessee Code Annotated, Section 55-8-162, is amended by adding the following new subsection:

Subsection (a) shall not apply with respect to an ADS-operated vehicle.

SECTION 5. Tennessee Code Annotated, Section 55-9-101, is amended by deleting the section and substituting instead the following:

As used in this chapter:

(1) "Autocycle," "motor vehicle," "motorcycle," "motor-driven cycle," and "motorized bicycle" have the meanings ascribed to them in § 55-8-101; and

(2) "Automated driving system," "ADS," and "ADS-operated vehicle" have the meanings ascribed to them in § 55-54-102.

SECTION 6. Tennessee Code Annotated, Section 55-9-602(a), is amended by adding the following new subdivision:

With respect to a vehicle equipped with an ADS, responsibility ascribed in this subsection (a) shall belong solely to the parent, guardian, or other human person

accompanying the child in the vehicle, and not to the ADS or the owner of the ADS-operated vehicle.

SECTION 7. Tennessee Code Annotated, Section 55-9-602(g)(5), is amended by deleting the last sentence, designating the remaining language as subdivision (A), and adding the following new subdivision (B):

(B)

(i) If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (g) if the vehicle is operated by conventional means.

(ii) If the vehicle is operated by an ADS and:

(a) If no parent or legal guardian is present at the time of the violation, the human person accompanying the child is solely responsible for compliance with this subsection (g);

(b) If no parent or guardian is present at the time of the violation and more than one (1) human person accompanies the child, each person is jointly responsible for compliance with this subsection (g); or

(c) If no human person accompanies the child, the parent or legal guardian of the child is responsible for compliance with this subsection (g).

SECTION 8. Tennessee Code Annotated, Section 55-9-603(h), is amended by adding the following new subdivision:

An ADS or an ADS-operated vehicle. Except as otherwise provided by § 55-9-606(2), for purposes of an ADS-operated vehicle, a passenger or human operator required to be restrained by a safety belt pursuant to this section is solely responsible for the passenger's or human operator's compliance with such requirement;

SECTION 9. Tennessee Code Annotated, Section 55-9-606, is amended by deleting the section and substituting instead the following:

Notwithstanding this part to the contrary:

(1) Except as otherwise provided in subdivision (2), the operator of a passenger motor vehicle under this part shall not be fined for the failure of any passenger over sixteen (16) years of age to wear a safety belt; and

(2) For purposes of an ADS-operated vehicle and when the ADS is engaged, neither the operator nor the owner shall be fined for the failure of any passenger, regardless of age, to wear a safety belt.

SECTION 10. Tennessee Code Annotated, Sections 55-10-101, 55-10-102, 55-10-103, 55-10-104, 55-10-106, are all amended by adding the following new, appropriately designated subsection to each section:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident.

SECTION 11. Tennessee Code Annotated, Section 55-10-105, is amended by designating the existing language as subsection (a) and adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident.

SECTION 12. Tennessee Code Annotated, Section 55-10-107, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the written reports required under subsection (a) must be completed by the vehicle's owner.

SECTION 13. Tennessee Code Annotated, Section 55-12-102(10), is amended by deleting the subdivision and substituting instead the following:

(10) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person who is in actual physical control of a motor vehicle whether or not licensed as an operator or chauffeur under the laws of this state; and

(B) For purposes of an ADS-operated vehicle, as defined by § 55-54-102, and when the ADS is engaged, the ADS;

SECTION 14. Tennessee Code Annotated, Section 55-12-104, is amended by adding the following new subsection:

The owner of an ADS-operated vehicle, as defined by § 55-54-102, is solely responsible for compliance with the requirements for filing the accident report under subsection (a).

SECTION 15. Tennessee Code Annotated, Section 55-50-304, is amended by adding the following new subdivision:

An ADS or an ADS-operated vehicle, as defined by § 55-54-102, or a person operating an ADS-operated vehicle with the ADS engaged;

SECTION 16. Tennessee Code Annotated, Title 55, is amended by adding the following new chapter:

55-54-101.

This chapter shall be known and may be cited as the "Automated Vehicles Act."

55-54-102.

As used in this chapter:

(1) "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into

a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

(2) "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system; and

(3) "Department" means the department of revenue.

55-54-103.

An ADS-operated vehicle may drive or operate on streets and highways in this state with the ADS engaged without a human driver physically present in the vehicle if the vehicle meets the following conditions:

(1) Unless an exemption has been granted under applicable federal or state law, the vehicle is capable of being operated in compliance with applicable provisions of chapters 8, 9, and 10 of this title, and has been, at the time it was manufactured, certified by the manufacturer as being in compliance with applicable federal motor vehicle safety standards;

(2) The vehicle is capable in the event of a failure of the automated driving system that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, achieve a minimal risk condition;

(3) Is registered in accordance with chapter 4 of this title, and if registered in this state, the vehicle is identified on the registration as an ADS-operated vehicle; and

(4) Is covered by an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least one million dollars (\$1,000,000).

55-54-104.

No political subdivision may by ordinance, resolution, or any other means prohibit or regulate within the jurisdictional boundaries of the political subdivision the use of an

ADS-operated vehicle that is operating in compliance with this chapter and otherwise complies with all laws of the political subdivision.

55-54-105.

Liability for accidents involving an ADS-operated vehicle shall be determined in accordance with product liability law, common law, or other applicable federal or state law. Nothing in this chapter shall be construed to affect, alter, or amend any right, obligation, or liability under applicable product liability law, common law, federal law, or state law.

55-54-106.

(a) It is an offense for any person to knowingly operate a motor vehicle on the public roads or highways of this state without a human driver in the driver's seat of the vehicle and without satisfying the requirements of this chapter.

(b) A violation of subsection (a) is a Class A misdemeanor.

55-54-107.

Except as otherwise provided in this chapter, ADS, ADS-operated vehicles, and commercial use of ADS-operated vehicles are governed exclusively by this chapter and this title.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 444

House Bill No. 446*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-188, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a Class C misdemeanor, subject only to the imposition of a fine as provided in subdivision (d)(5) and court costs not to exceed thirty dollars (\$30.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.

(2) A citation or notice of violation that is based solely upon a violation of this section shall be considered a moving traffic violation and points shall be assessed on the driving record, pursuant to § 55-50-505, of a person convicted of the violation. Points shall be assessed in an amount that is less than, but not equal to, the points assessed for violating a truck lane restriction under § 55-8-195.

(3) The department of transportation, in coordination with other relevant federal, state, and local agencies, shall establish an appropriate system to collect information from the traveling public that will identify violation hotspots, and shall operate the system to educate repeat offenders about the benefit of HOV lanes and the fines for violating this section.



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(4) The department shall install and maintain signage along the route that displays information about the fines imposed by subdivision (d)(5) and informs the public of the system established pursuant to subdivision (d)(3).

(5) The fine shall be one hundred dollars (\$100.00) for a first offense, one hundred fifty dollars (\$150.00) for a second offense, and two hundred dollars (\$200.00) for a third or subsequent offense.

(6) All revenue from a fine imposed by subdivision (d)(5) shall be allocated to the department to be used to offset the costs of signage required by subdivision (d)(4), to establish and maintain the system under subdivision (d)(3), and to defray any other costs for administering this subsection (d).

(7) The department is authorized to promulgate rules to effectuate the purposes of this subsection (d). All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act shall take effect, upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 559*

House Bill No. 1374

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as a new subdivision:

Office of transportation public-private partnership (OTP3), created by Section 2 of this act, notwithstanding § 4-29-240(b);

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 6, is amended by adding the following new section:

(a) There is created, as an independent entity of state government, the office of transportation public-private partnership (OTP3). The OTP3 shall be attached to the department for all administrative matters relating to receipts; disbursements; expense accounts; budget preparation; payroll; audit; and other similarly related administrative functions. The department shall provide the OTP3 with suitable office space and with all office equipment and supplies necessary to perform the duties of the office. The autonomy of the OTP3 and its authority are not affected by this subsection (a), and the department shall have no supervisory control over the OTP3. The purposes of the OTP3 are to provide a mechanism to facilitate collaboration between public and private entities in transportation facility development, redevelopment, and operation and to otherwise assist public entities in the implementation of this chapter.

(b)

(1) No later than September 1 of the fiscal year in which funds are available to the commissioner of transportation for the purposes of this chapter



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as required by subsection (j), and every five (5) years thereafter, the governor shall appoint an executive director, who shall be the head of the OTP3, shall serve for a term of five (5) years, and shall serve at the pleasure of the governor. The executive director shall have demonstrated knowledge, training, or experience in one (1) or more of the following areas:

- (A) Transportation facility development, redevelopment, or operation;
- (B) Capital markets and finance, including local government finance;
- (C) Public-sector planning; or
- (D) Procurement.

(2) The term of office of the executive director shall commence on November 1 following the appointment. Any vacancy that occurs as a result of resignation, removal, death, expiration of a term, or other cause shall be filled by appointment by the governor for the position to serve the unexpired term.

(c) The executive director is authorized to retain professional assistance and staff, including consultants, technical advisors, financial advisors, and legal support, and other personnel, including clerical assistants, as may reasonably be required to enable the OTP3 to efficiently perform its duties as provided in subsection (f). Employees of the OTP3 shall be employed in accordance with title 8, chapter 30, and the rules of the department of human resources, and shall be subject to personnel policies generally applicable to employees in the state service, such as leave, compensation, and classification. The employees may be classified as either executive service or preferred service in accordance with § 8-30-201.

(d) The executive director and all other employees are eligible for reimbursement of travel expenses in accordance with the comprehensive travel

regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) All expenses of the OTP3, including salaries and benefits of its executive director and its employees, shall be paid out of monies made available to the commissioner of transportation, including monies appropriated by the general assembly to the highway fund, and made available to the commissioner of transportation in the general appropriations act. The salary and benefits of the executive director shall be fixed by the commissioner and approved by the commissioner of human resources and the commissioner of finance and administration.

(f) The OTP3 shall perform the following duties:

(1) Assist responsible public entities with identifying projects, including opportunities for project aggregation, for which a public-private initiative for a transportation facility may be appropriate;

(2) Provide technical assistance and expertise to responsible public entities on using public-private initiatives to develop, redevelop, or operate transportation facilities, including analyzing benefits and costs and the innovative financing options available to support the initiatives;

(3) Establish a model process for evaluating solicited and unsolicited proposals from the private sector;

(4) Supply model contracts, including service contracts and comprehensive agreements;

(5) Track proposed, ongoing, and completed public-private initiatives;

(6) Identify methods of encouraging competition for the development, redevelopment, or operation of transportation facilities;

(7) Serve as a liaison to federal government officials responsible for promoting public-private partnerships for transportation facilities, other state

public-private partnership offices, and regional, local, or metropolitan public-private partnership offices;

(8) Conduct public and stakeholder engagement and outreach, including efforts to encourage transparency and information-sharing regarding public-private initiatives via an OTP3 website;

(9) Create a process for updating, as necessary, the recommendations made by the OTP3 pursuant to subsection (g);

(10) Promote best practices, including standardized methodologies and processes; and

(11) Attract private investment in transportation facilities to the state.

(g) If, in any fiscal year, funds are available to the commissioner of transportation for the purposes of this chapter as required by subsection (j):

(1) On or before February 1 of such fiscal year, the OTP3 shall:

(A) Make recommendations to responsible public entities on a model, uniform process for the review, solicitation, consideration, evaluation, and selection of proposals to enter into a public-private initiative for a transportation facility; provided, that the process complies with § 54-6-106; and

(B) Make any recommendations to the general assembly on any revisions to this chapter deemed necessary to carry out the purposes of this chapter; and

(2) On or before October 1 of such fiscal year, the executive director shall submit to the transportation and safety committee of the senate and the transportation committee of the house of representatives, and post to the OTP3 website, a written report that:

(A) Lists those public-private initiatives that:

(i) Are expected to be soliciting proposals within the next fiscal year;

(ii) Are in progress in the then current fiscal year;

(iii) Were completed during the prior fiscal year; and

(iv) Were removed from consideration during the prior fiscal year; and

(B) Summarizes actions taken by the OTP3 to fulfill its duties pursuant to subsection (f).

(h) A responsible public entity may, but is not required to, follow the final recommendations of the OTP3 that are made pursuant to subdivision (g)(1)(A) with regard to any public-private initiative subject to this chapter. If a responsible public entity elects to adopt any process for review or guidelines for public-private initiatives other than those recommended pursuant to subdivision (g)(1)(A), the process for review or guidelines must be consistent with this chapter.

(i)

(1) The OTP3 shall assist responsible public entities on state environmental reviews and permitting for all qualifying transportation facilities subject to this chapter.

(2) Prior to entering into a comprehensive agreement, the responsible public entity shall identify all necessary state permits and, in consultation with the OTP3 and relevant state offices, shall create a timeline for review and issuance of the permits.

(3) The OTP3 shall maintain on its website a listing of projects under this subsection (i) for which state permits are delayed more than ninety (90) days past the deadline specified in the projected schedule and post an official explanation for the delay, which shall come from the state agency in charge of

approving the permit, or post a link to the state agency's website containing the information.

(j) Subsections (b)-(i) shall not be implemented unless the funding necessary to implement those provisions is made available to the commissioner of transportation.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.